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09/650,388	08/29/2000	Ilario A. Coslovi	5699-15	8495

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EXAMINER

JULES, FRANTZ F

ART UNIT PAPER NUMBER

3617

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/650,388

Applicant(s)

COSLOVI ET AL.

Examiner

Frantz F. Jules

Art Unit

3617

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-46 is/are allowed.
- 6) ☒ Claim(s) 3-7, 9, 10, 12-15, 18, 20, 23-26 and 28-32 is/are rejected.
- 7) ☒ Claim(s) 8, 11, 16-17, 19, 21-22, 27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because:

On page 20, line 17, the specification calls for reference numbers "172, 173" to be a pair of aligned holes, the drawings do not show this.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, in claim 19, the recitation "of the beam has a bottom flange and a plastic pad mounted to the bottom flange" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the set of fittings" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3617

In claim 4, line 4, the phrase "a pivot pin" is confusing as it is unclear how it relates to previously recited a pivot pin above. It is suggested that the word "a" be substituted by ~~the~~ in front of pivot pin in line 4.

In claim 4, line 4, the phrase "a collar" is confusing as it is unclear how it relates to previously recited a collar above. It is suggested that the word "a" be substituted by ~~the~~ in front of collar in line 4.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 3, 7, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson'153

Claims 3, 7, 12

Johnson'153 teaches all the limitations of claims 3, 7, 12 by showing in figs 1-8, a railroad car bridge plate (12) operable to permit a vehicle to be conducted between two rail road cars, said bridge plate comprising a beam (16) of sufficient length to span a gap between a pair of adjacent railroad cars (see column 1, lines 12-14), said beam (16) having an upwardly facing track surface for vehicles to ride on, said beam (16) having a pivot fitting (which is a hole) allowing mounting of the beam to the railroad car (11) to permit yawing movement in a cross-wise orientation relative to the railroad car, at least one grab hand (32) to facilitate manipulation of the bridge plate (16).

Art Unit: 3617

7. Claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32 are rejected under 35

U.S.C. 102(b) as being anticipated by Black, Jr et al.

Claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32

Black Jr et al teach all the limitations of claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32 by showing in figs 1-8, a railroad car bridge plate operable to permit a vehicle to be conducted between two rail road cars, said bridge plate comprising a beam (32) locatable in a longitudinal orientation of sufficient length to span a gap between a pair of adjacent railroad cars (22a, 22b), said beam (32) having an upwardly facing track surface or flange (34) for vehicle to ride on, said beam (16) having a pivot fitting (106a) which is a linear extension slot allowing mounting of the beam to the railroad car (22a, 22b), said fitting being operable to accommodate yawing of said beam relative to the first railroad car (22a) when said beam is located in the longitudinal orientation and the railroad cars in motion; and said fitting permitting movement in a cross-wise orientation relative to the first railroad car when said beam is disengaged from the second railroad car, a collar (111) for receiving a pivot pin (103), said bridge plate being translatable relative to said second axis and one of the pivot pins being disengageable if proper tooling is available.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson'153 in view of Russell.

Claims 4-7

Johnson'153 teaches all the limitations of claims 4-7 except for a railroad car bridge plate having fittings with pivot pin engageable in a collar to permit motion of the bridge plate. The general concept of adding pivot pin engageable to a collar in a bridge plate assembly to permit motion of the bridge plate in a railroad car is well known in the art as illustrated by Russell, see figs. 3-8. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Johnson'153 to include the use of pivot pin engageable to a collar in coupling relationship with fittings of a bridge plate assembly in his advantageous railroad car bridge plate as taught by Russell in order to reduce frictional resistance in the operation of the bridge plate assembly.

10. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black Jr et al'187 in view of Bell et al'426.

Claim 8

Black Jr et al teach all the limitations of claim 8 except for a railroad car bridge plate having a surface with traction bars mounted thereto. The general concept of using traction bars on the top surface of an Aluminum bridge plate assembly of two railroad car units is well known in the art as illustrated by Bell et al, see fig. 1, column 1, lines 60-67, column 2, lines 49-51. it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Black Jr et al to include the use of traction bars on the top surface of an Aluminum bridge plate assembly in his advantageous bridge

Art Unit: 3617

plate as taught by Bell et al in order reduce slippage on the bridge plate assembly thereby increasing safety.

11. Claims 12, 18, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black Jr et al'187 in view of Thompson'478.

Claim 12, 18, 28

Black Jr et al teach all the limitations of claims 12, 18, 28 except for a railroad car bridge plate having a handgrab mounted thereto. The general concept of adding a handgrab to the bridge plate assembly of a railroad car unit is well known in the art as illustrated by Thompson'478. it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Black Jr et al to include the use of a handgrab to the bridge plate assembly in his advantageous bridge plate as taught by Thompson'478 in order to increasing safety in servicing the bridge plate assembly.

Allowable Subject Matter

12. Claims 8, 11,16, 17, 19, 21, 22, 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 33-46 stand allowable.

Response to Arguments

14. Applicant's arguments filed 08/26/02 have been fully considered but they are moot in view of the new grounds of rejection and the allowance of claims 33-46.

Conclusion

Art Unit: 3617

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pezier, Pickles are cited to show related pivot structures for bridge plates having a pivot pin engageable in a collar.

Douglas, Elder, Roels, and Shannon are cited to show related bridge plate for railroad cars having pivot system made of a collar and pin.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Frantz F. Jules
Examiner
Art Unit 3617


FFJ

October 16, 2002

Application/Control Number: 09/650,388

Art Unit: 3617

Page 8



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